

Docket No.: 10473-6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David A. JACKSON, et al.

Serial No.: 09/840,924

Group Art Unit: 3661

Filed: April 25, 2001

Examiner: Not Yet Assigned

For: MEASURING WHEEL BASE PARALLELISM WITH A POSITION
DETERMINATION SYSTEM

RENEWED PETITION TO REVIVE UNDER 37 CFR 1.370

Commissioner for Patents

Washington, DC 20231

Adjustment dates: 07/10/2002 KELLEY
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01 FC:141 1280.00 CR
Sir:

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OFFICE OF PETITIONS

Applicants note the Petition to Revive Under 37 CFR 1.137(f) filed on March 29, 2002 in the above-identified application. In said Petition, applicants reported that the above-identified application was filed on April 25, 2001 with a Request and Certification Under 35 USC 122(b)(2)(B)(i), that a corresponding foreign application was filed on April 25, 2001, and that a Request to Rescind Previous Nonpublication Request was not filed within the 45 day period following filing of the corresponding foreign application.

Applicants further note that the above Petition was dismissed by Decision dated April 16, 2002, which Decision stated that the above-identified application did not become abandoned pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) because "The statute at 35 USC 122(b)(2)(B)(iii) only provides for revival in the situation where a certification was made under 35 USC 122(b)(2)(B)(i) at the time of filing the application and an application was **subsequently** filed in a foreign country without notifying the Office within 45 days of the filing thereof."

Upon a recent further review of the above file in view of the Decision, Applicants have become aware of a second foreign application that was subsequently filed on June

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Decision of Jackson

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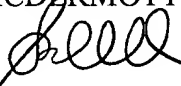
28, 2001, and that Applicants unintentionally failed to file a Request to Rescind Previous Nonpublication Request within the 45 day period following filing of the second corresponding foreign application. This failure was unintentional for the entire period from the date the application became abandoned to the date of filing this Petition.

Applicants note that the previously filed nonpublication request has already been rescinded in the above-identified application, pursuant to the Decision, and a corrected filing receipt has been issued and received.

Accordingly, in view of the subsequently filed foreign application filed on June 28, 2001, Applicants request revival of the above application pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.137(f). It is expected that no additional petition fee is due under this Renewed Petition. In the event a second petition fee is required, applicants authorize the petition fee of \$1,280.00 pursuant to 37 CFR 1.17(m) to be charged to Deposit Account No.500417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


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Discontinued w/ Joni / Bob Baker.